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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

12 UNITED STATES OF AMERICA, ) No. 08-00720 SBA  
13 Plaintiff, )  
14 v. ) STIPULATION AND PROTECTIVE  
15 ) ORDER RE: DISCOVERY OF  
MARK MALDONADO, ) PERSONAL AND FINANCIAL  
16 ) INFORMATION  
17 Defendant. )  
18 ) OAKLAND VENUE  
19 )

20 With the agreement of the parties, and with the consent of the defendant, the Court enters  
21 the following order:

22 Defendant Mark Maldonado is charged with one count of conspiring to commit access  
23 device fraud, in violation of 18 U.S.C. § 1029(b)(2), one count of committing access device  
24 fraud, in violation of 18 U.S.C. § 1029(a)(2), (b)(1), and one count of aggravated identity theft,  
25 in violation of 18 U.S.C. § 1028A(a)(1). Upon request, the United States will produce to counsel  
26 for the defendant discovery, some of which may contain personal identifying information,  
27 including social security numbers, birth dates and driver's license numbers, and private financial  
28 information, including account numbers, pertaining to the victims in this case. Pursuant to

PROTECTIVE ORDER  
[08-00720 SBA]

1 Federal Rule of Criminal Procedure 16, the government requests that disclosure of these  
2 materials be subject to the following restrictions:

3       1. Except when being actively examined for the purpose of the preparation of the  
4 defense, the documents containing personal identifying and private financial information of third  
5 parties produced by the government to defense counsel shall be maintained in a locked, safe, and  
6 secure drawer, cabinet, or safe which is accessible only to defense counsel, members of his or  
7 her law firm who are working with him or her to prepare the defendant's defense, and his or her  
8 investigator. Defense counsel, members of his or her law firm, the defendant, and the  
9 investigator shall not permit any person access of any kind to the documents or disclose in any  
10 manner the personal identifying and private financial information of third parties except as set  
11 forth below.

12       2. The following individuals may examine the documents and information related to  
13 the personal identifying and private financial information of third parties for the sole purpose of  
14 preparing the defense and for no other purpose:

- 15           a) Counsel for defendants;
- 16           b) Members of the defendants' law offices who are assisting with the  
17              preparation of the defense;
- 18           c) Defendants, but only in the presence of defense counsel or another  
19              authorized person listed in this paragraph;
- 20           d) Investigators retained by the defendants to assist in the defense of this  
21              matter.

22 If defense counsel determines that additional persons are needed to review the material, he or she  
23 must obtain a further order of the Court before allowing any other individual to review the  
24 material.

25       3. A copy of this order shall be maintained with the documents at all times.

26       4. All individuals other than defense counsel and the defendant who receive access  
27 to the materials pursuant to this Order, prior to receiving access to the materials, shall sign a  
28 copy of this Order acknowledging that:

- 1                   a) they have reviewed the Order;
- 2                   b) they understand its contents;
- 3                   c) they agree that they will only access the documents and information for  
4                   the purposes of preparing a defense;
- 5                   d) they understand that failure to abide by this Order may result in sanctions  
6                   by this Court.

7                   Counsel for the defendant shall promptly file signed copies of the Order, ex parte and under seal.

8                   The government shall have no access to these signed copies without further order of the District  
9                   Court.

10                 5.       No other person may be allowed to examine the material without further court  
11                 order. Examination of the documents shall be done in a secure environment which will not  
12                 expose the materials to other individuals not listed above.

13                 6.       Documents such as word processing files, e-mails, and other text files may be  
14                 duplicated to the extent necessary to prepare the defense of this matter.

15                 7.       Any pleadings that reveal the personal identifying or private financial information  
16                 of third parties, either by attaching copies of documents containing that information or  
17                 referencing that information, shall be redacted to prevent the disclosure of such information or  
18                 filed under seal.

19                 8.       Within five court days of the judgement and sentencing hearing in this matter, all  
20                 material provided to defense counsel pursuant to this Order, and all other authorized copies, if  
21                 any, shall be returned to the Government. The Government shall destroy them. If

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27                 ///

28                 ///

1 defendant believes that he or she must maintain the material for any reason related to appeal,  
2 defendant must seek authorization from the District Court within five days of the sentencing and  
3 judgment in this matter.

4

5 STIPULATED:

6

7 DATED: March 25, 2009 /s/  
8 LYNDA WESTLAND  
Attorney for Defendant Mark Maldonado

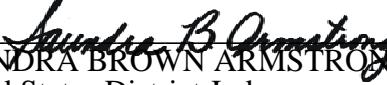
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10 /s/  
11 CHRISTINE WONG  
12 Assistant United States Attorney

13 IT IS SO ORDERED that disclosure of the above-described discovery materials  
14 shall be restricted as set forth above.

15

16 DATED: 3/25/09

17   
SAUNDRA BROWN ARMSTRONG  
18 United States District Judge